

REMARKS/ARGUMENTS

The Office Action mailed February 17, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 39-82 are currently pending. Claims 46, 55, 65, 74, 77, 78, 79, 80, 81, and 82 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, figures, and claims. No new matter has been added.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 39-54, 58-73, 77, 78, 80 and 81 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed.

A. The office action states:

Claims 39, 43, 46, 50, 58, 62, 65, 69, 77, 78, 80, and 81 recite conditional language. ... Conditional language inherently comprises at least two conditions: the "if" and the "if not". The Applicant's claims, however, are silent regarding how Applicant's system is to perform if the "if not" condition holds. Therefore, one of ordinary skill is hindered from determining the scope and how to use said system.

Applicant respectfully disagrees. MPEP §2173.04 provides that the "[b]readth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph." Thus, Applicant maintains that it is not necessary to provide for instructions on how the system acts for all

possible branches of the decision tree. The claims specify a certain action is to be performed in the case of an approval signal. In order for the claims to be anticipated by a reference, the reference therefore must teach that action being performed in the case of an approval signal. Applicant maintains it is not necessary to specifically recite what actions are undertaken if a rejection signal is received.

B. The office action further states:

Claim 44 recites "sending a periodic signal connect signal to the server system confirming that the client system is still connected." However, claim 39, from which claim 44 depends, does not refer to the client system making a "connection". Claim 63 recites a similar limitation.

Applicant respectfully disagrees. Claim 39 provides for "conducting two-way communications between the electronic communications network and the client system via the server system."

Claim 58, from which Claim 63 depends upon, provides for a similar limitation. MPEP §2173.01 provides that a "fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose." Furthermore, MPEP §2173.02 states that the "examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." Thus, it is respectfully asserted that the specific term "connection" is not required as alleged by the Examiner.

It is respectfully asserted that the claims are in condition for allowance and request that these objections be withdrawn.

As to dependent claims 40-42, 44, 45, 47-49, 51-57, 59-61, 63, 64, 66-68, and 70-73, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 39-57 and 65-82 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Budow et al. (USP 5,661,517) in view of Lewis (USP 5,612,730) among which claims 39, 46, 55, 65, 74, 77, and 78-82 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.¹

A. Independent Claims 39, 46, 55, 65, 77, 78, 80, and 81

As to Claims 39, 43-47, 50-52, 55, 65, 66, 69-71, 77, 78, 80, and 81, the Office Action contends that the elements of the presently claimed invention are disclosed in Budow except that Budow does "not specifically recite the internet." The Office Action further contends that "Lewis

¹ M.P.E.P. § 2143.

teaches a system for providing information services such as access to the internet (e.g. two-way communication between a client and an electronic communication network) to users staying at a hotel (column 5, lines 15-21; column 6, lines 14-23; column 7, lines 10-36; column 8, lines 36-50)" and that "it would have been obvious to one of ordinary skill to combine the teachings of Budow et al. and Lewis in order to generate additional revenue streams for providing access to the internet." Applicants respectfully disagree for the reasons set forth below. Upon further reading of the citations cited by the Examiner, there are important differences.

Claim 39 provides for:

A method for providing communication among a client system, server system and an electronic communications network, ... **the server system running server software for managing communications between a plurality of client systems and the electronic communications network**, the method comprising:

specifying a billing preference, said billing preference chosen from a predefined set of billing options, said billing options including at least one technique for making a monetary payment;

transmitting said billing preference to the server system;

receiving a billing approve/reject signal from the server system; and

conducting two-way communications between the electronic communications network and the client system via the server system if an approve signal is provided in said receiving.

Independent Claims 46, 55, 65, 77, 78, 80, and 81 provide for similar limitations. As stated in the specification, "the client system 10 connects with an electronic communications network 310 through the server system 110. ... [O]nce a communications link is established with the client system 10 and electronic communications network 310 ("ECN"), the server 110 acts as an interface between the client system 10 and the electronic communications network 310." (Specification, page 10, lines 20-28). Thus, the two-way communications between the electronic communications network and the client system is established via a server system.

Budow merely teaches "providing customers of hospitality facilities with the ability to access a variety of amenities and to interact with a video system in order to enable point-of-sale purchase of and payment for goods and services." (Abstract). The "video services system (VSS) ... comprises a head end 2, a video unit 3 and a system control computer 4 including a modem 5, interconnected via a combiner 6. A room terminal 11 is connected between a card reader 12, a television set (TV) 13 and the combiner 6." (Col. 8, lines 43-49). Budow merely teaches a communication network strictly between the client and server; it does not connect the client to the server via a server system. Thus, Budow does not teach or suggest communications between an electronic communications network and client system via a server system as claimed in Claims 39, 46, 55, 65, 77, 78, 80, and 81.

Lewis teaches a system "that enhances the interactivity of multimedia information in a closed cable network such as a hotel system or the like. The system includes a multimedia processing system, a telephone switching system, a video control system, a service operations platform, and a plurality of interactive devices." (Abstract). The "overall general architecture 100 includes a multimedia processing system (MPS) 102 which is coupled to receive information from and transmit information to a video control system 104, an account computer 106, a service operations platform SOP 107, and a telephony switching system 108. The MPS 102 is also coupled to an interactive multimedia decoder (IMD) 110, a CD/I device 112, a laser disk 117, video camera 121, compact disk (CD) player 125, personal computer (PC) 119, video camera recorder (VCR) 123 and other devices 114." (Column 5, lines 1-9). Lewis basically provides for "enhancing the interactive multimedia information that is utilized within a closed cable network." (Col. 4, lines 58-59). Similar to Budow, Lewis merely teaches a communication network

between the client and server without the use of a sever system and does not teach or suggest communications between an electronic communications network and client system via a server system as claimed in Claims 39, 46, 55, 65, 77, 78, 80, and 81.

Accordingly, there is no reasonable expectation of success that the alleged combination of Budow and Lewis will result in the claimed invention and Budow and Lewis do not teach or suggest all the claim limitations. Thus, it is respectfully requested that this rejection be withdrawn.

As to dependent Claims 43-45, 47, 50-52, 66, and 69-71, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

B. Independent Claims 55, 74, 79, and 82

As to Claims 55-57, 74-76, 79, and 82, the office action states:

Budow et al. teach providing a set of billing options to a user, receiving a billing preference and sending an approval inquiry to a remote approval system (column/line 26/43-27/58). Budow et al. also teach conducting two-way communications over an electronic network (figure 1 and 7A-8B) and a server receiving a rejection signal from a remote approval system and transmitting a rejection signal from the server to the client (figures 7A-8B; column line 26/43-27/58). Regarding temporary approval signals, Budow et al. allow users to preview pay-per-view selections (column 11, lines 46-65) therefore, the Budow et al. system sends a "temporary approval signal" to the client system prior to the server system receiving the results from the remote approval system. If the user receives an "insufficient funds" message then, it would have been obvious for a user to no longer seek the ability to view the pay-preview event, and thus discontinuing two-way communications (figures 7A-8B) between client and server (i.e. server discontinues communications with client). On the other hand, Budow et. al. allows for a user to use another card (i.e. additional billing

information) if the initial card lacks sufficient funds (claims 57 and 76) (column/line 26/61-27/8).

Applicant respectfully disagrees for the reasons, among others, stated below.

Claim 55 provides for:

"A method for providing communication among a client system, a server system, and an electronic communications network, ... **the server system running software for managing communications between a plurality of client systems and the electronic communications network**, the method comprising:
 providing a set of billing options, said billing options including at least one technique for making a monetary payment;
 receiving a billing preference from the client system, said billing preference chosen from said billing options;
 sending an approval inquiry to a remote approval system;
 sending a temporary approval signal from the server system to the client system before an approval signal is received by the server system from the remote approval system; and
 conducting two-way communications between the electronic communications network and the client system.

Independent Claims 74, 79, and 82 provides for similar limitations. As stated above, "the client system 10 connects with an electronic communications network 310 through the server system 110. ... Generally speaking, once a communications link is established with the client system 10 and electronic communications network 310 ("ECN"), the server 110 acts as an interface between the client system 10 and the electronic communication network 310." (Specification, page 10, lines 20-28). Thus, the two-way communications between the electronic communications network and the client system is established via a server system.

Budow merely teaches "providing customers of hospitality facilities with the ability to access a variety of amenities and to interact with a video system in order to enable point-of-sale purchase of and payment for goods and services." (Abstract). The "video services system (VSS)

... comprises a head end 2, a video unit 3 and a system control computer 4 including a modem 5, interconnected via a combiner 6. A room terminal 11 is connected between a card reader 12, a television set (TV) 13 and the combiner 6." (Col. 8, lines 43-49). Budow merely teaches a communication network between the client and server without the use of a sever system. In fact, Budow does not teach or suggest communications between an electronic communications network and client system through a server system as claimed in Claims 55, 74, 79, and 82.

Accordingly, since Budow does not teach or suggest all the claim limitations, it can not be said to render the claimed invention unpatentable. Thus, it is respectfully requested that this rejection be withdrawn.

As to dependent Claims 56-57 and 75-76 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 58-64 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Budow et al. (USP 5,661,517) in view of Ahmad (USP 5,565,908) among which Claim 58 is an independent claim. This rejection is respectfully traversed.

The Office Action contends that the elements of the presently claimed invention are disclosed in Budow except that Budow does "not ... explicitly recite volatile RAM. The RAM of Budow et al. is non-volatile and reserved exclusively for billing." The Office Action further contends that "Ahmad teaches a client system comprising a terminal and TV wherein the

terminal comprises volatile RAM associated with a processor (column 6, lines 58-67)" and that it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of Budow and Ahmad in order to more efficiently process data by allowing the processor to temporarily store data in the RAM and use the EPROM to store control programs for the processor. The Applicants respectfully disagree for the reasons, among others, set forth below.

Claim 58 provides for:

A client system for **communicating with an electronic communication network via a server system**, the client system comprising:

- a central processing unit (CPU);
- volatile working memory associated with said CPU;
- a communications interface coupled to said CPU and volatile working memory; and
- client software coupled to said CPU, volatile working memory, and communications interface, said client software configured for:
 - specifying a billing preference, said billing preference chosen from a predefined set of billing options, said billing options including at least one technique for making a monetary payment;
 - transmitting said billing preference to the server system;
 - receiving a billing approve/reject signal from the server system;
- and
- conducting two-way communications between the electronic communications network and the client system via the server system** if an approve signal is provided in said receiving.

As stated above, "the client system 10 connects with an electronic communications network 310 through the server system 110. ... Generally speaking, once a communications link is established with the client system 10 and electronic communications network 310 ("ECN"), the server 110 acts as an interface between the client system 10 and the electronic communication network

310." (Specification, page 10, lines 20-28). Thus, the two-way communications between the electronic communications network and the client system is established via a server system.

As stated by the Examiner, Budow does "not ... explicitly recite volatile RAM." Additionally, as stated above, Budow does not teach or suggest communications between an electronic communications network and client system through a server system as claimed in Claims 58.

Ahmad teaches a "system for providing information, management, and entertainment services." (Abstract). Ahmad teaches that a "request for service is transmitted to ICM 106 by the user through Remote Handheld Unit ("RHU") 110. RHU 110 generates an infrared signal corresponding to the user's request. CCC 108 includes master processor 102, control module 104, and Audio/Video module 114. Control module 104 receives the request from ICM 106 and relays it to master processor 102. Once master processor 102 determines what service is requested, it asks control module 104 and audio/video module 114 to provide the requested service to the user. The requested service is provided to the user via ICM 106 by audio/video module 114." (Col. 4, lines 4-13). Thus, similar to Budow, Ahmad merely teaches a communication network between the client and server without the use of a sever system and does not teach or suggest communications between an electronic communications network and client system via a server system as claimed in Claim 58.

Accordingly, there is no reasonable expectation of success that the alleged combination of Budow and Ahmad will result in the claimed invention and Budow and Ahmad do not teach or

suggest all the claim limitations. Thus, it is respectfully requested that this rejection be withdrawn.

Request for Entry of Amendment

Entry of this Amendment will place the Application in better condition for allowance, or at the least, narrow any issues for an appeal. Accordingly, entry of this Amendment is appropriate and is respectfully requested.

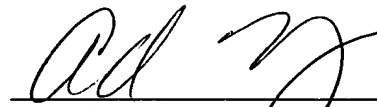
Conclusion

It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this Response is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

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